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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/833,106 04/04/97 SMALL J 74892MSS

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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
ROCHESTER NY 14650-2201

LM02/0707

EXAMINER

WHITE, M

ART UNIT	PAPER NUMBER
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2712

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DATE MAILED:

07/07/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/833,106

Applicant(s)

Small

Examiner

Mitchell White

Group Art Unit

2712



☒ Responsive to communication(s) filed on Jun 18, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/29/99 have been fully considered but they are not persuasive. Applicant argues that Parulski does not disclose compensation for the printing process. However, as will be seen in the art rejection below, the term "compensation" may be interpreted in a broad manner which reads on the claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-7, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 5,040,068).

Regarding claim 1, Parulski et al. discloses, in figure 5, a digital camera (col. 4, lines 38-42) which is used with printer module (176) which receives processed colors and predetermined printing characteristics (col. 8, lines 45-48); a CCD to capture images (col. 3, lines 38-41); a digital image processor (168) with a program memory (172) for further processing the image by performing transceiver processing such as data compression and format conversion; printer processing such as

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interpolation, color and toner scale correction; and electronic darkroom processing (col. 7, line 55 - col. 8, line 2). These printer processes provide compensation for the printer processes of the printer. Figure 5 does not explicitly illustrate that the image pickup unit includes an image processor for initially processing the image. However, the image pickup unit of figure 2 does illustrate the use of a signal processing section (84) which may be added for performing the initial processing such as color separation, white balance, gamma correction, and color filter interpolation (col. 5, lines 57-68). It was not explicitly stated that the signal processing section includes a program memory however it would have been obvious to include a memory in order to perform the many operations of the processor. Therefore, it would have been obvious to one of ordinary skill in the art to include the processor of figure 2 into the image pickup unit of figure 5 to initially process the image.

Regarding claim 2, Parulski et al. discloses, in figure 5, a digital image processor (168) which has a program memory (172) that performs the printer processing for the color correction, tone scale correction, and pixel correction for the printer (col. 8, lines 45-49).

Regarding claim 3, Parulski et al. discloses a digital image processor (168) for further processing the image by performing transceiver processing such as data compression and format conversion; printer processing such as interpolation, color and toner scale correction; and electronic darkroom processing such as cropping and color and tone alteration (col. 7, line 55 - col. 8, line 2) and a signal processing section (84) which may be added for performing the initial processing such as color separation, white balance, gamma correction, and color filter interpolation (col. 5, lines 57-68).

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Claim 5 is considered substantively equivalent to claim 1.

Claim 6 is considered substantively equivalent to claim 2.

Claim 7 is considered substantively equivalent to claim 3.

Regarding claim 9, Parulski et al. discloses, in figure 5, a digital camera (col. 4, lines 38-42) which is used with printer module (176) which receives processed colors and predetermined printing characteristics (col. 8, lines 45-48); a CCD to capture images (col. 3, lines 38-41); a digital image processor (168) with a program memory (172) for further processing the image by performing transceiver processing such as data compression and format conversion; printer processing such as interpolation, color and toner scale correction; and electronic darkroom processing (col. 7, line 55 - col. 8, line 2). These printer processes provide compensation for the printer processes of the printer. Measuring density is an inherent function of the tone scaling process. Figure 5 does not explicitly illustrate that the image pickup unit includes an image processor for initially processing the image. However, the image pickup unit of figure 2 does illustrate the use of a signal processing section (84) which may be added for performing the initial processing such as color separation, white balance, gamma correction, and color filter interpolation (col. 5, lines 57-68). It was not explicitly stated that the signal processing section includes a program memory however it would have been obvious to include a memory in order to perform the many operations of the processor. Therefore, it would have been obvious to one of ordinary skill in the art to include the processor of figure 2 into the image pickup unit of figure 5 to initially process the image.

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Regarding claim 10, Parulski et al. discloses, in figure 5, a digital camera (col. 4, lines 38-42) which is used with printer module (176) which receives processed colors and predetermined printing characteristics (col. 8, lines 45-48); a CCD to capture images (col. 3, lines 38-41); a digital image processor (168) with a program memory (172) for further processing the image by performing transceiver processing such as data compression and format conversion; printer processing such as interpolation, color and toner scale correction; and electronic darkroom processing which compensate for variations in parameters characteristics of a particular media material (col. 7, line 55 - col. 8, line 2). These printer processes provide compensation for the printer processes of the printer. Figure 5 does not explicitly illustrate that the image pickup unit includes an image processor for initially processing the image. However, the image pickup unit of figure 2 does illustrate the use of a signal processing section (84) which may be added for performing the initial processing such as color separation, white balance, gamma correction, and color filter interpolation (col. 5, lines 57-68). It was not explicitly stated that the signal processing section includes a program memory however it would have been obvious to include a memory in order to perform the many operations of the processor. Therefore, it would have been obvious to one of ordinary skill in the art to include the processor of figure 2 into the image pickup unit of figure 5 to initially process the image.

4. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 5,040,068) in view of Ichikawa (US 5,717,839).

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Regarding claim 4, Parulski et al. discloses in figure 5, a digital camera (col. 4, lines 38-42) which is used with printer module (176) which receives processed colors and predetermined printing characteristics (col. 8, lines 45-48); a camera interface (140); a CCD to capture images (col. 3, lines 38-41); a digital image processor (168) with program memory (172) for further processing the image by performing transceiver processing such as data compression and format conversion; printer processing such as interpolation, color and toner scale correction; and electronic darkroom processing (col. 7, line 55 - col. 8, line 2). These printer processes provide compensation for the printer processes of the printer. Figure 5 does not explicitly illustrate that the image pickup unit includes an image processor for initially processing the image. However, the image pickup unit of figure 2 does illustrate the use of a signal processing section (84) which may be added for performing the initial processing such as color separation, white balance, gamma correction, and color filter interpolation (col. 5, lines 57-68). It was not explicitly stated that the processor include a program memory however it would have been obvious to include a memory in order to perform the many operations of each processor. Therefore, it would have been obvious to one of ordinary skill in the art to include the processor of figure 2 into the image pickup unit of figure 5 to initially process the image. The printer interface of printer module (176) transmits processed images to the printer (col. 8, lines 45-49) but does not receive process color or printing process parameters from the printer. However, Ichikawa discloses a camera/printer system that transmits processed images to the printer and receives process color information (col. 7, lines 11-25) and printing process information (col.

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7, lines 11-18). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Parulski et al. as taught by Ichikawa to provide selectivity in printers which may be used.

Claim 8 is considered substantively equivalent to claim 4.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5399 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitchell White whose telephone number is (703) 305-8155. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

MLW

June 18, 1999


Wendy Garber
Supervisory Patent Examiner
Technology Center 2700